

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 26, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B114103 People v. Martinez
B138908 People v. Simpson
B139371 People v. Steward & Moore
B140310 People v. Ceja
B140407 People v. Herrera
B140845 People v. Young
B141186 People v. Hardy
B141666 Ashton Industries, Inc. v. Schirripa et al.
B141973 People v. McElroy
B142245 People v. Cole
B142882 People v. Strain
B143163 People v. Modica
B143482 People v. Brodsky & Daniel S. Martinez
B143583 People v. Frierson & Whitehead
B144204 People v. Traylor & Johnson
B144671 People v. Miller
B144773 People v. Lincoln G.
B144848 People v. Mildred S.
B145268 County of Los Angeles v. Frontier Pacific Insurance Company
B145639 People v. Lynex
B145885 People v. Del Aguila
B146121 D.C.F.S. v. Barbara L.
B146298 People v. Delacruz
B146551 People v. Reynolds
B146858 People v. Wesley
B147426 People v. Riggs

DIVISION ONE (Continued)

Each of the following (continued):

B148733 Harvey C. v. S.C.L.A. (D.C.F.S.)

B149436 Martina A. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B148796 Alexander et al.

v.

Superior Court, Los Angeles County

(Golden Eagle Insurance Corporation, r.p.i.)

Merits:

Argued by Herbert Dodell for petitioners and by Kelley K. Beck for real party in interest. Cause submitted.

B119341 People

v.

Ruben G.

Merits:

Argued by Lisa M. Bassis for appellant and by Linda C. Johnson, deputy attorney general, for respondent. Cause submitted.

B141024 People

v.

Gonzales

Merits:

Argued by Steffan Imhoff for appellant and by Michael A. Katz, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B142387 People
 v.
 American Contractors Indemnity Company et al.

Merits:
Argued by Grant Erik Beuchel for appellants. No appearance for respondent. Cause submitted.

B146441 People
 v.
 Nicole W.

Merits:
Argued by Allen G. Weinberg for appellant and by Jennifer A. Jadovitz, deputy attorney general, for respondent. Cause submitted.

B137865 Easton
 v.
 Internet Data, Inc., et al.

Merits:
Argued by Walter R. Luostar for appellants and by David L. Amkraut for respondent. Cause submitted.

B148246 Preeman
 v.
 Superior Court, Los Angeles County
 (London, r.p.i.)

Merits:
Argued by Linda T. Barney for petitioner and by Wendy C. Lascher for real party in interest. Cause submitted.

DIVISION ONE (Continued)

B148656 The People
 v.
 Superior Court, Los Angeles County
 (Jimenez, r.p.i.)

Merits:

Argued by Brent Riggs, deputy district attorney, for petitioner and by John Hamilton Scott, deputy public defender, for real party in interest. Cause submitted.

B141040 People
 v.
 Elam

Merits:

Argued by Tara M. Mulay for appellant and by Michael W. Whitaker, deputy attorney general, for respondent. Cause submitted.

B144021 People
 v.
 Alzmann

Merits:

Argued by John Roger Blanchard for appellant and by Jennevee H. De Guzman, deputy attorney general, for respondent. Cause submitted.

B147727 Consumer Cause, Inc.
 v.
 Smilecare et al.

Merits:

Argued by Morse Mehrban for appellant, by Randall J. Sherman for respondents and by Susan S. Fiering, deputy attorney general, for amicus curiae. Cause submitted.

Spencer, P.J. leaves the bench.

DIVISION ONE (Continued)

B141717 People
 v.
 Harper III et al.

Merits:

Argued by Dale Dombkowski for appellant Carroll, by John L. Staley for appellant Harper and by Ronald A. Jakob, deputy attorney general, for respondent. Cause submitted.

B139115 People
 v.
 Hung et al.

Merits:

Argued by Tara Selver for appellant Hung, by William J. Genego for appellant Seng and by Theresa A. Cochrane, deputy attorney general, for respondent. Cause submitted.

B142091 Weinstock
 v.
 Weinstock

Merits:

Argued by Carl Etting for appellant and by Marian L. Stanton for respondent. Cause submitted.

B141812 Gidney, Sr., et al.
 v.
 Espinoza et al.

Merits:

Argued by Jesse L. Halpern for appellants and by Marlon C. Wadlington for respondents. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

June 26, 2001-Continued

DIVISION ONE (Continued)

B127829 Glendale Memorial Hospital & Health Center et al.
v.
Department of Mental Health

Merits:

Argued by Girard Fisher for appellant, by Jacob Chang for respondent Glendale Memorial Hospital & Health Center and by Karen L. Fried, deputy attorney general, for respondent Department of Mental Health. Cause submitted.

B147452 People
v.
Superior Court of Los Angeles
Gevorgyan et al., r.p.i.

B147799 Terterian v. Superior Court
People, r.p.i.

Argument trailed to June 27, 2001 calendar at 9:00 A.M. Priority granted.

Court adjourned.

DIVISION TWO

B141312 Herzog (Not for Publication)
v.
Fitzpatrick

The judgment awarding attorney fees to Fitzpatrick is affirmed. The matter is remanded to the trial court to determine costs and to award attorney fees for this appeal, including oral argument.

McKnew, J. (Assigned)

We concur: Cooper, Acting P.J.
Todd, J.

June 26, 2001-Continued

DIVISION TWO (Continued)

B141226 People (Not for Publication)
v.
Camerano

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B140410 People (Not for Publication)
v.
Jo

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

B140322 People v. Brayboy, Jr. (Not for Publication)

The sentence is vacated and the case is remanded for resentencing in accordance with this opinion. In all other respects the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

June 26, 2001-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B141790 Weiss (Not for Publication)
v.
Farmers Insurance Group of Companies

The judgment is affirmed. Fire is awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B140275 Parsa (Not for Publication)
v.
Kavoussi

The judgment is affirmed. Respondent(s) to recover costs.

McKnew, J. (Assigned)

We concur: Nott, Acting P.J.
 Todd, J.

DIVISION TWO (Continued)

B135168 Kanavos et al. (Not for Publication)
 v.
 Wilson

The judgment is affirmed. Respondent(s) to recover costs.

Nott, Acting P.J.

We concur: Cooper, J.
 Todd, J.

B148562 Marlene R. (Not for Publication)
 v.
 Superior Court, Los Angeles County

The petition for writ of mandate is denied, and the order to show cause is discharged.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION THREE

B146403 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Kerry L.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B143753 Nicole Kallas (Not for Publication)
 v.
 City of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B140945 Rhoda Polite et al. (Not for Publication)
 v.
 Blas Cabanban et al.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B112660 People (Not for Publication)
 v.
 Cauchi
B126861 In re Cauchi on Habeas Corpus

The judgment is modified by imposing a \$200 restitution fine pursuant to section 1202.45 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.
Petition for writ of habeas corpus is denied.

Klein, P.J.

I concur: Croskey, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B144383 People (Not for Publication)
v.
Christopher M.

The judgment (order declaring minor a ward of the court under Welfare and Institutions Code section 602) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B138515 People (Not for Publication)
v.
Avanesian

The judgment is modified to reflect a stay pursuant to Penal Code section 654 of the term imposed for arson in count 8. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the stay. As so modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FIVE

B149818 Michael Frank Goodwin (Certified for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Sheriff's Department et al., r.p.i.)

A peremptory writ of prohibition shall issue restraining the superior court from enforcing its order of March 28, 2001 (modified on April 26, 2001) compelling petitioner to appear at Los Angeles County Jail for participation in a lineup.

Willhite, J. (Assigned)

We concur: Turner, P.J.
Armstrong, J.

B135352 Lois Payne et al.
v.
National Collection Systems, Inc.

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B141575 Kubby (Not for Publication)
v.
Right on Time

The judgment is affirmed. Right on Time is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B149159 Libuse B. (Not for Publication)

v.
Ventura County Superior Court
(Ventura County DPSS, r.p.i.)

The petition is denied.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B136973 LeVine (Certified for Publication)

v.
Weis, etc., et al.

The judgment against the individual defendants, Weis, Dritz, Shakelford and Strayhorn is reversed. In all other respects the judgment is affirmed. Costs on appeal are awarded to LeVine.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B146073 In re Erica G.
Human Services Agency of Ventura Co. (Not for Publication)

V.
Amalia R.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B145403 In re Connie O.
 Ventura County Human Services Agency (Not for Publication)
 v.
 Freddie O.

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B145083 Estate of Wright (Certified for Publication)
 Gunning
 v.
 Caudill

The order is affirmed. Parties to bear their own costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B133754 People (Not for Publication)
 v.
 Miguel A. Lugo

B147111 In re Miguel A. Lugo, on Habeas Corpus

The petition is denied, and the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B145945 People (Not for Publication)
v.
Ronnie Graham, Jr.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Boland, J. (Assigned)

B144125 Los Angeles County, D.C.F.S.
v.
Helen M.
In re Ag D., et al., minors

Filed order pursuant to stipulation dismissing appeal in part, reversing in part and remanding to trial court.